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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,470	07/23/2003	Ming-Chiao Ho		7419

7590 03/13/2006  
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EXAMINER

LE, DIEU MINH T

ART UNIT PAPER NUMBER

2114

DATE MAILED: 03/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/624,470

Applicant(s)

HO, MING-CHIAO

Examiner

Dieu-Minh Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7 is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

1. This Office Action is response to the communication filed on 07/23/03 in application 10/624,470.

2. Claims 1-7 are presented for examination.

**Claim Rejections - 35 USC § 103**

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lin et al. (U.S. 6,707,748 hereafter referred to as Lin) in view of Fukuzawa et al. (U.S.Pub. No. 2003/0088720 hereafter referred to as Fukuzawa).

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As per claims 1-2:

Lin substantially teaches the invention. Lin teaches:

- A computer system data restoring device (i.e., data and power backup device) is comprised of [abstract, fig. 2 and 4A-B, col. 1: lines 10-15 and lines 55-67];
- a casing [fig. 5, col. 7, lines 18-21];
- CPU (i.e., controller), a connection port, a memory, a connection interface, a controller IC, a data storage device [fig.2 and 4A-B, col. 4, lines 27-53];
- the circuit device connected to computer host via connection port, activating software, restoring device i.e., data and power backup device) to external computer host [abstract, fig. 2 and 4A-B, col. 1: lines 56 through col. 2, lines 55];

Lin does not explicitly address:

- a plurality of function keys.

However, Lin does disclose capability of:

- A backup including data device [abstract, fig. 2 and 4A-B, col. 1: lines 10-15 and lines 55-67] comprising:
- a data connectivity among external circuit device, processors via a host computer system, memory, port

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connection, connection interfaces, etc... [fig. 2 and 4A-B, col. 1, lines 55-67].

- a user access capability to the backup including data device [col. 3, lines 53-67 and table 1].

In addition, Fukuzawa explicitly teaches:

- A backup and restoring computer system [abstract, fig. 1-2, col. 1, par. 0001 and col. 8, claim 8] comprising:
  - a data connectivity among external circuit device, processing systems, memory, port connection, connection interfaces, etc... [fig. 1, col. 3, par. 0044-0057].
  - a counter field and a key data for accessing the record in supporting the data backup and restoration process [col.3, par. 0047-0048].

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of Applicant's invention to first realizing Lin's a user access capability to the backup including data device in supporting the backup and restoring process as being the plurality of function keys system as claimed by Applicant. This is because Lin performed data operating system failure detection and recovery via power backup and batch file communication process. By utilizing these

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capabilities, the computer operating system or computer host can be directed or redirected promptly and functioned properly during backup and restoring process via user access or function keys access in supporting the computer system continuity operation; second, by applying the ***counter field and a key data for accessing the record in supporting the data backup and restoration process*** as taught by Fukuzawa in conjunction with the backup including data device as taught by Lin, the computer system including external backup and restoration capabilities can enhance its operation performance, more specifically to ensuring the error detected, corrected, and replaced (i.e., backup) in proper and efficient manner.

This modification would have been obvious because a person having ordinary skill in the art would have been motivated to do so to improve the computer system operation availability and network/system performance therein with a mechanism to enhance the data connectivity, data debugging, data reliability, and data throughput which eventually will increase its performance, such as data throughput between internal and external devices.

As per claims 3-5:

Lin further teaches:

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- CPU (i.e., controller), a connection port, a memory, a connection interface, a controller IC, a data storage device [fig.2 and 4A-B, col. 4, lines 27-53];

- a USB interface, a 1394 serial interface, a hard disk, a memory card, ATA/ATAPI interface (i.e., SD, MCC, memory stick interfaces) [abstract, fig. 2 and 4A-B, col. 2, lines 30-35];

- a compact disk burner [fig. 1-2 and 4A-B].

As per claim 6:

Due to the similarity of claim 6 to claim 1 except for a circuit device of a computer system data restoring device comprising a CPU, a connection port, a memory; a connection interface, a controller IC, etc... instead of a computer system data restoring device comprising a CPU, a connection port, a memory, a connection interface, a controller IC, etc...; therefore, these claims are also rejected under the same rationale applied against claim 1. In addition, all of the limitations have been noted in the rejection as per claim 1.

Allowable Subject Matter

5. Claim 7 is allowable over the prior art of record.

**The following is an Examiner's Statement of  
Reasons for Allowance:**

With respect to claim 7, the Examiner asserts that the novelty of the claim when read as a whole is:

"h) Determining whether the function keys of the restoring device are pressed if the computer host already has the application software for executing the computer system data restoring device; i) Terminating operations if no function keys are pressed, and returning to step c, or shutting down as step g; j) Determining whether the quick backup key is pressed; k) If yes, checking differences between last execution of quick backup and the present time, or between first execution of quick backup and the default system data backup file, and store the differences to the restoring device; or if not, returning to step c; l) Determining whether the complete backup key is pressed; m) If yes, checking differences between all data and the default system data file, and storing the differences into a storage equipment of the restoring device to replace the original complete backup, deleting the original quick backup file, and returning to step c; p1 n) Determining whether the restoring key is pressed if the complete backup key is not



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pressed; o) If yes, displaying various restoring points of the selection table on the monitor for selections of a user; if not, returning to step c; p) Determining whether the restoring point selected by the user is the default system data; q) If yes, executing the default system data installed and stored in the restoring device to restore the computer host system, and returning to step c when having completed the execution; r) If not, determining whether the restoring point selected by the user is a first restoring point; s) If yes, executing a difference file and the default system data file stored by the complete backup in the restoring device to restore the computer host system, and returning to step c after having completed the execution; t) If not, determining whether the restoring point selected by the user is the second restoring point; u) If yes, according to the time of restoring point selected, executing the difference file and the default system data file stored by the quick backup in the restoring device to restore the computer host system, and returning to step c after having completed the execution; v) If not, determining whether the restoring point selected by the user is the third restoring point; and w) If yes, according to the time of restoring point selected, executing the difference file and the default system data file stored by the quick backup in the restoring device to restore

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the computer host system, and returning to step c after having completed the execution; and x) If not, returning to step c."

Any comments considered necessary by applicant must be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably **accompany** the Issue Fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

7. A shortened statutory period for response to this action is set to expired THREE (3) months, ZERO days from the date of this letter. Failure to respond within the period for response will cause the application to be abandoned. 35 U.S.C. 133.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dieu-Minh Le whose telephone number is (571) 272-3660. The examiner can

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normally be reached on Monday - Thursday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Baderman can be reached on (571)272-3644. The Tech Center 2100 phone number is (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**DIEU-MINH THAI LE**  
**PRIMARY EXAMINER**  
**ART UNIT 2114**

DML  
03/03/06